

John Clifton Elstead
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Defendant/Pro Se

FILED

FEB 13 2008

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES DISTRICT COURT
NORTHERN DIVISION OF CALIFORNIA
SAN FRANCISCO DIVISION

WACHOVIA BANK, N.A. AS
TRUSTEE (BAY VIEW),

Plaintiff,

v.

JOHN CLIFTON ELSTEAD,
et. al.,

Defendants.

CASE NO. CV076015 SI

APPLICATION TO CONTINUE MOTION
HEARING

Defendant John Clifton Elstead hereby applies to have his Motion to Dismiss for Failure to State a Claim, currently set to be heard February 15, 2008, continued to March 21, 2008. He is a single parent of a daughter who is a senior at Bentley High School in Lafayette California and who is leaving at 9:00 a.m. on a school field trip to Paris, France on February 15, 2008. He needs to take his daughter to the school in the morning from where she leaves for the airport with others who are going. Counsel for the other two interested parties, Wachovia Bank and the United States, agree to the continuance, a Stipulation for which is enclosed with this application.

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JOHN CLIFTON ELSTEAD
Defendant/Pro Se

ELAINE HOWTON